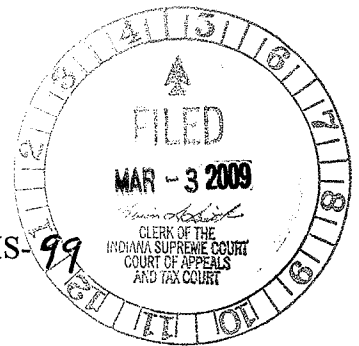


In the
Indiana Supreme Court

IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR ADAMS COUNTY)

Case No. 01S00-0902-MS-99



ORDER APPROVING AMENDED LOCAL RULES

The judges of the Adams Circuit and Superior Courts request the approval of amended local rules: for caseload allocation in accordance with Ind. Administrative Rule 1(E), and appointment of special judges in accordance with Ind. Criminal Rule 13. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Adams Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR01-AR01-1 and LR01-CR2.2-01,02 and 03, and 04 comply with the requirements of Ind. Administrative Rule 1(E) and Ind. Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Adams County Local Rules, LR01-AR01-1 and LR01-CR2.2-01,02 and 03, and 04, set forth as attachments to this Order, are approved effective January 1, 2009, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Frederick A. Schurger, Adams Circuit Court, P.O. Box 610, Decatur, IN 46733-0610; the Hon. Patrick R. Miller, Adams Superior Court, P.O. Box 569, Decatur, IN 46733-0569; and to the Clerk of the Adams Circuit Court, and to post this Order on the Court's website dealing with local rule amendments.

The Clerk of the Adams Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 3rd day of ^{March}~~February~~, 2009.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana

STATE OF INDIANA

IN THE ADAMS CIRCUIT COURT
CASE NUMBER 01C01-0901-CB-0001

COUNTY OF ADAMS SS:

IN THE ADAMS SUPERIOR COURT
CASE NUMBER 01D01-0901-CB-0001

IN RE:
LOCAL RULES

**AMENDED LOCAL RULES REGARDING ASSIGNMENT OF CRIMINAL
CASES, CHANGE OF VENUE AND RELATED MATTERS**

INTRODUCTION

The following rules have been adopted by the Judges of Adams Circuit Court and Adams Superior Court in compliance with Criminal Rules 2.2, 12 and 13. The undersigned Judges comprise all of the Judges in Adams County with jurisdiction in felony and misdemeanor cases and they have evaluated the past procedures and have assessed the needs of Adams County. The following local rules are hereby adopted:

LR01-CR2.2-01 --CASE ASSIGNMENT

(A) Misdemeanors and D Felonies: Unless otherwise provided in these rules, all cases wherein the most serious charge is a Class D Felony or a Misdemeanor shall be assigned to Adams Superior Court.

(B) All Felonies Except D Felonies: Unless otherwise provided in these rules, all cases wherein the most serious charge is greater than a Class D Felony shall be assigned to Adams Circuit Court. For example, if any felony greater than a Class D Felony is filed it shall be assigned to Adams Circuit Court along with any additional criminal charges regardless of whether or not those additional criminal charges are Class A Misdemeanors or Class D Felonies.

(C) Criminal Non-Support: All cases involving allegations of criminal non-support shall be assigned to the Court which had original jurisdiction of any filing of a Petition for Dissolution of Marriage, Dissolution Decree, Paternity Determination, or similar case filed. It is the objective of this provision to eliminate two Courts addressing the same party and related issues. If no prior case has been filed, such cases shall be filed in accordance with the rules previously set forth

(D) Invasion of Privacy: Invasion of privacy cases involving an allegation of a violation of an order (protective, no contact, workplace violence) that was issued by the

Adams Circuit Court or the Adams Superior Court shall be filed in the Court that issued the order.

(E) Pending Cases: ~~Cases involving offenders who have charges pending in either court, or prior convictions in either Court may be filed in that Court despite the provisions of Paragraphs (A) and (D).~~ Where there is a higher level felony case filed or to be filed and there is one or more D Felony or Misdemeanor case(s) in Superior Court, the Superior Court D Felony or misdemeanor case(s) shall be transferred to the Circuit Court following filing of the A-B-C felony in Circuit Court.

LR01-CR2.2-02 TRANSFER

(A) Circuit to Superior: A Judge of Adams Circuit Court, by appropriate order entered in the Record of Judgments and Orders, with the consent of the Judge of Adams Superior Court, may transfer and reassign any criminal case to Superior Court pursuant to the authority of I.C. 33-33-1-4.

(B) Superior to Circuit: A Judge of the Adams Superior Court, by appropriate order entered in the Record of Judgments and Orders, with the consent of the Judge of Adams Circuit Court, may transfer and reassign any criminal case to Circuit Court pursuant to the authority of I.C. 33-33-1-4.

LR01-CR2.2-03 --REFILING AND SUBSEQUENT FILINGS

When the State of Indiana dismisses a case and chooses to refile that case, the case shall be assigned to the Court from which the dismissal was taken unless Local Rule 1 (above) regarding case assignment dictates otherwise. For example, a case may originally be filed as a Class D Felony Battery, later is dismissed, and subsequently is filed as Murder, a Class A Felony. Local Rule 1 in regard to case assignment shall take precedence and it shall be filed in Circuit Court

LR01-CR2.2-04 --REASSIGNMENT

(A) Circuit Court: In the event a change of Judge is granted where it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in Adams Circuit Court, the case shall be reassigned to Adams Superior Court.

(B) Superior Court: In the event a change of Judge is granted or it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in Adams Superior Court, the case shall be reassigned to Adams Circuit Court.

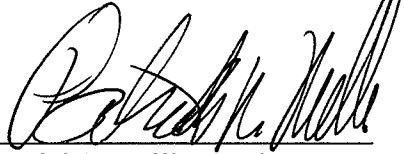
(C) Alternative: In the event that a reassignment can not be accomplished pursuant to the rules set forth above, then the case will be reassigned in consecutive order

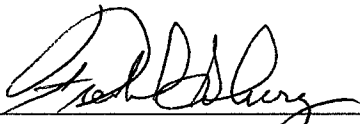
to the following Judges: the regular Judge of the Jay Circuit Court; the regular Judge of the Jay Superior Court; the regular Judge of the Wells Superior Court; and the regular Judge of the Wells Circuit Court.

LR01-CR2.2-05 --APPOINTMENT OF SPECIAL JUDGE

In the event no Judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may request the Indiana Supreme Court for such appointment.

DATED AND ORDERED THIS 20th day of February, 2009.


Patrick R. Miller, Judge
Adams Superior Court


Frederick A. Schurger, Judge
Adams Circuit Court

STATE OF INDIANA

IN THE ADAMS CIRCUIT COURT
CAUSE NO. 01C01-0901-CB-0001

COUNTY OF ADAMS SS:

IN THE ADAMS SUPERIOR COURT
CAUSE NO. 01D01-0901-CB-0001

ADAMS COUNTY CASELOAD ALLOCATION PLAN

LR01-AR01-1

(A) CRIMINAL, INFRACTION AND ORDINANCE VIOLATION CASES

Criminal Cases shall be filed pursuant to LR01-CR2.2-01 et seq. All infraction and ordinance violation cases shall be assigned to the Adams Superior Court.

(B) PROBATE AND RELATED CASES

All Estate, Guardianship, Adoption and Trust cases shall be assigned to the Adams Circuit Court.

(C) JUVENILE CASES

All juvenile cases, including paternity cases, shall be assigned to the Adams Circuit Court.

(D) SMALL CLAIMS CASES

All small claims cases shall be filed in the Adams Superior Court.

(E) PROTECTIVE ORDER CASES

If a Dissolution of Marriage is pending or has been granted to the parties or if a paternity action has been filed or has been determined and subsequently one of the parties petitions for a protective order against the other party, said protective order shall be assigned to the Court which originally addressed the dissolution or paternity. When a Protective Order has been granted in one of the Courts and a subsequent Petition for Dissolution is filed in the other Court after the Order of Protection has been granted such that it is not clear pursuant to I.C. 34-26-5-6(4) which Court should receive the case, for reasons of judicial economy it being probable that the Court that heard the Order of Protection case has heard substantial matters pertaining to Provisional matters, the Court which heard the Protective Order will then become the preferred venue, and the subsequently filed Petition for Dissolution will be transferred to the Court that originally heard the Protection Order proceeding without further costs charged. The purpose of this policy is to assure that the same Court which has determined custody and visitation will also determine the terms of the protective order so that visitation can be assured while simultaneously the appropriate parties are protected. ~~Therefore, any violation of a protective order (invasion of privacy) involving such parties shall likewise be filed in the Court originally addressing the dissolution or paternity and where the protective order was issued.~~ It is the expressed desire of

the Court to eliminate duplication and confusion in regards to multiple orders for various purposes involving the same parties.

(F) CIVIL CASE TYPES PL, MF, CC, CT, DR, RS, MH, MI

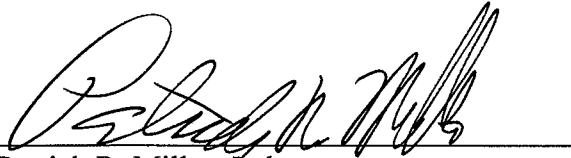
Cases other than those mentioned in the preceding paragraphs may be filed in either the Adams Circuit Court or the Adams Superior Court, at the discretion of the filing party. However, nothing in this rule shall prohibit a judge of said Court from transferring a case from that Court to the other as allowed by statute, or rule of trial procedure, or to ensure an even distribution of judicial workload between the courts of record in the county.

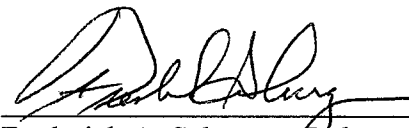
On or before May 1 of each year the Judge of the Adams Circuit Court and the Judge of the Adams Superior Court shall meet to review the Weighted Caseload Measures statistics as calculated by the Division of State Court Administration for the preceding calendar year. The utilization of the two Courts shall be compared and if the utilization variance is within 0.25 of one another, it shall be presumed that no action is necessary to reduce the disparity. If the utilization variance between the courts is more than 0.40 in a calendar year or more than 0.25 for two consecutive years, it will be presumed that the disparity must be reduced, unless the judges agree otherwise after discussing and evaluating the various relevant factors.

(G) REFILED CASES

Except when a change of venue is necessary, whenever a case is dismissed by action of the originating party, the case, if re-filed, must be assigned to the same court that received the original case.

DATED AND ORDERED THIS 9th day of February, 2009.


Patrick R. Miller, Judge
Adams Superior Court


Frederick A. Schurger, Judge
Adams Circuit Court